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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,831	08/25/2003	Charles M. Coushaine	03-1-517	3058
7590	03/30/2005		EXAMINER	
OSRAM SYLVANIA Inc. 100 Endicott Street Danvers, MA 01923				CRANSON JR, JAMES W
		ART UNIT		PAPER NUMBER
				2875

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/647,831	COUSHAIN ET AL.
	Examiner James W. Cranson	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6,7,9,17 and 20 is/are rejected.
- 7) Claim(s) 4,5,8,18 and 19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Election/Restrictions***

Claims 10-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/28/05. Therefore the claims in group I, 1-9 and 17-20 will be examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this

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rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Claims 1,2,3,6,7,9,17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,682,211 to English et al. in view of USPN 6,621,222 to Hong. English in a LED lamp discloses the claimed invention except for the circuit board. Hong in a LED lamp teaches the use of a circuit board in a LED lamp. It would have been obvious to one of ordinary skill in the art to provide English with a circuit board to control the LEDs as taught by Hong. The reason is that it is well known in the illumination art to control LEDs with a circuit board.

Regarding claims 1 and 17

A lamp (10) comprising :

a heat conductive post (16) having a base (20) and a top (18) and plural wireways (column 3, lines 60-64, figure 1) extending axially through said post from base to top; a head on top post with plural LEDs (22, column 3, lines 10-20) mounted thereon a circuit board (12, Hong) for the LEDs; and plural leads insulated (column 3, lines 60-64, figure 1) from each other through different wireways from base to top connected to LEDs and circuit board(column 3, lines 60-64, figure 1)

a reflector attached to base of post (12, figure 1)

a heat sink (72,74, figure 6) attached to base of post

Regarding claims 2, according to claim 1 and claim 3, according to claim 2

English as modified above shows a post (16) in figure 1 with axial opening (not labeled), wires (62,64) and insulatives (66, 68) that comprise plural shafts that form wireways

Regarding claim 6, according to claim 1;

English as modified discloses a reflector (12)

Regarding claim 7, according to claim 1;

English as modified discloses a heat sink (72,74)

Regarding claims 9, according to claim 1, and claim 20, according to claim 17;

English as modified discloses plural LED assemblies distributed around periphery of head with leads and connecting wires.

Allowable Subject Matter

Claims 4,5,8,18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 4, according to claim 2, and claim 18, according to claim 17, add that insulative body comprises a core with plural fins extending radially and wireways at ends of fins.

Claims 5, according to claim 2, and claim 19, according to claim 17 add that insulative body comprises a core with plural axial grooves in an exterior and wireways in grooves

Claim 8, according to claim 1, adds that base of post has a recess for the circuit board.

The above noted limitations in the dependent claims combined with the independent claim limitations are not found or taught in the art of record.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are USPN 6,773,138 and US 2005/0047145 A1 both to Coushaine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O`Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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THOMAS M. SEMBER
PRIMARY EXAMINER